

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

GBB DRINK LAB, INC.,

Plaintiff/Counterclaim Defendant,

v.

FSD PHARMA INC. and FSD  
BIOSCIENCES INC.,

Defendants/Counterclaimant.

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FSD PHARMA INC.,

Third-Party Plaintiff,

v.

JOSEPH ROMANO,

Third-Party Defendant.

CASE NO. 23-CV-60800

**DEFENDANTS FSD PHARMA INC.'S AND FSD BIOSCIENCES, INC.'S  
STATEMENT OF MATERIAL FACTS IN OPPOSITION TO  
PLAINTIFF GBB DRINK LAB, INC.'S MOTION FOR SUMMARY JUDGMENT**

Defendants FSD Pharma Inc. (“FSD Pharma”) and FSD BioSciences, Inc. (“FSD BioSciences”) (collectively, “FSD”) file this Statement of Material Facts in opposition to Plaintiff GBB Drink Lab, Inc.’s (“GBB”) Motion for Summary Judgment [ECF 116] and GBB’s corresponding Statement of Material Facts [ECF 117]. Pursuant to Local Rule 56.1(b)(2), FSD Pharma responds to [ECF 117] as follows:

1. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>1</sup> Multiple of GBB’s paragraphs assert several alleged facts, in violation of Local Rule 56(b)(1)(B).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. [REDACTED]

[REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

11. [REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. Undisputed.

14. [REDACTED]

[REDACTED]

[REDACTED]

15. Undisputed.

16. [REDACTED]

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<sup>2</sup> [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. [REDACTED]

[REDACTED].

20. [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

21. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22. Undisputed.

23. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

25. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

26. [REDACTED]

27. Disputed as to the several factual averments. First, the “ingredient list” is not “Confidential Information” because GBB’s formulator, David Sandler, testified that [REDACTED]  
[REDACTED]. Ex. 6, Sandler Dep. 339:4-10. Second, [REDACTED]  
[REDACTED]. Ex. 11, Kotra Dep. 148:1-149:4, 159:6-163:2, 177:9-178:4. Third, FSD did produce [REDACTED]. See Exs. 15 and 16. Fourth, there is no evidence that [REDACTED]  
[REDACTED]. Finally, GBB only sought information relating to Power Brands (which FSD agreed to, and did, produce) ([ECF 118], Ex. 4, Requests 53-54), or broadly “[a]ll documents and communications to third parties informing them of the existence of this action” ([ECF 118], Ex. 4, Request 62), which requests documents and communications *after* May 1, 2023 [ECF 1].

28. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

29. Undisputed.

30. Undisputed.



31. Undisputed.

32. [REDACTED]

[REDACTED].

33. [REDACTED]

[REDACTED].

34. [REDACTED]

35. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

36. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

37. [REDACTED]

[REDACTED]

[REDACTED].

38. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

39. [REDACTED]

[REDACTED].

40. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

41. [REDACTED]

[REDACTED]

43.

**DEFENDANTS' STATEMENT OF ADDITIONAL FACTS**  
**IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

44. FSD received various emails from GBB in the course of due diligence sharing [REDACTED]. See Exs. 4 (Aug. 22, 2022); 26 (Aug. 26, 2022 Email); 27 (Sept. 1, 2022 Email).

45. [REDACTED]  
[REDACTED]” See Exs. 4, 26, 27.

46. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

47. FSD received the expert report of Mark Gauthier and took his deposition in this matter regarding GBB’s damages claims. Exs. 28 and 29.

48. FSD submitted the rebuttal report of Mr. David Smith to GBB in response to GBB’s purported expert Mark Gauthier. Ex. 30.

Dated: August 11, 2025

Respectfully submitted,

**BLANK ROME LLP**

By: /s/Michael R. Esposito

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*Counsel for Defendants FSD Pharma, Inc.  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed on August 11, 2025, with the Clerk of the Court by using the CM/ECF System. I also certify that the foregoing document is being served this day on all counsel of record via transmission of the Notice of Electronic Filing generated by CM/ECF.

/s/ Michael R. Esposito  
Michael R. Esposito